

Regulations made by the Department of Health and laid before the Assembly under section 25Q (Emergency procedure) of the Public Health Act (Northern Ireland) 1967, for approval of the Assembly before the expiration of 28 days beginning with the day on which they are made.

STATUTORY RULES OF NORTHERN IRELAND

2020 No. 255

PUBLIC HEALTH

**The Health Protection (Coronavirus, Restrictions) (No. 2)
(Amendment No. 14) Regulations (Northern Ireland) 2020**

Made - - - - at 4.00 p.m. on 13th
November 2020
at 5.00 p.m. on 13th
Laid before the Assembly November 2020
Coming into operation in accordance with
regulation 1(2)

The Department of Health⁽¹⁾, makes the following Regulations in exercise of the powers conferred by sections 25C(1), (3)(c), (4)(d) and 25F(2) of the Public Health Act (Northern Ireland) 1967⁽²⁾.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Northern Ireland.

The Department of Health considers that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 25Q of that Act the Department of Health is of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft having been laid before, and approved by a resolution of, the Assembly.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations (Northern Ireland) 2020.

(2) These Regulations come into operation at the time and on the date they are made.

(1) Formerly the Department of Health, Social Services and Public Safety; see 2016 c. 5 (N.I.), s. 1(5)

(2) 1967 c. 36 (N.I.). Part 1A was inserted by section 48 of, and Schedule 18 to, the Coronavirus Act 2020 (c. 7)

Amendment of the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020

2.—(1) The Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020(3) are amended in accordance with this regulation.

(2) After regulation 6 insert—

“Enforcement officers and premises improvement notices

6A.—(1) “Enforcement officer” means a person designated by a district council for the purposes of these regulations.

(2) An enforcement officer may exercise the powers of a relevant person in relation to regulations 4A to 5.

(3) An enforcement officer may issue a notice (a “premises improvement notice”) to a person if the enforcement officer considers that—

- (a) the person is not complying with any requirement or requirements imposed on the person by regulations 4A to 5, and
- (b) the measures specified in the notice are necessary and proportionate in order to ensure that the person complies with the requirement or requirements.

(4) A premises improvement notice must—

- (a) specify any premises to which it relates;
- (b) specify the measures the enforcement officer requires a person to take in order to ensure that the person complies with any requirement or requirements of regulations 4A to 5; and
- (c) specify a time limit within which the measures must be taken (which must not be less than 48 hours beginning with the time the notice is issued).

(5) An enforcement officer must issue a notice terminating a premises improvement notice if satisfied that—

- (a) the measures specified in the premises improvement notice have been taken, or
- (b) other measures have been taken to ensure that regulations 4A to 5 are complied with at the premises in question.

(6) A premises improvement notice ceases to have effect at the time notice of the termination is issued.

(a) (7) A premises improvement notice or a termination of a premises improvement notice is issued to a person by giving a copy of it in writing to that person.

(b) But where a person responsible for carrying on a business or service on the premises to which the notice or termination relates is not on the premises when it is to be issued, the notice or termination is to be treated as having been issued to that person—

- (i) if a copy of it is given to any other person on the premises who appears to be involved in the business or service in question, or
- (ii) if there is no such person on the premises when the notice is to be issued, a copy of the notice is placed in a conspicuous position on the premises.

(8) As soon as reasonably practicable after issuing a premises improvement notice, the enforcement officer must—

- (a) display a copy of the notice, and a sign in the form set out in Schedule 3, in a prominent place near every entrance to the premises, and
 - (b) arrange for the notice to be published on the website of the district council for the local government district in which the premises are located.
- (9) A notice or sign displayed under sub-paragraph (8)(a) must be at least A4 size.
- (10) A person must not remove a notice or sign required to be displayed under sub-paragraph (8)(a) for as long as the notice has effect.”.
- (3) In regulation 7(1) and in regulation 8(1) for “4 to 6” substitute “4 to 6A”.
- (4) In regulation 8(3), after “fails to comply with a reasonable instruction” insert “, or fails to comply with an improvement notice given by an enforcement officer under regulation 6A”.
- (5) After schedule 2 insert—

“SCHEDULE 3

Regulation 6A

Sign to be displayed with premises improvement notice

Sealed with the Official Seal of the Department of Health at 4.00 pm on 13th November 2020

(L.S.)

Dr Naresh Chada
Minister of Health

Status: This is the original version (as it was originally made).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020 (“the No. 2 regulations”). They provide district councils with the power to designate persons to enforce the No. 2 regulations and to issue a “premises improvement notice” where those responsible for premises are in breach of the No. 2 regulations.

No impact assessment has been prepared for these Regulations.